

REMARKS

Reconsideration of the present application is requested.

The Examiner has not indicated the status of the drawings. Applicants request the Examiner do so in the next PTO correspondence.

ABSTRACT OBJECTIONS

The Second OA includes an objection to the Abstract. Applicants have amended the Abstract taking into account the Examiner's comments. Withdrawal of this objection is requested.

DRAWING OBJECTIONS

The Second OA includes an objection to the drawings because element '6' in FIG. 1 and element 'N' in FIG. 2 are alleged not found in the Specification. Applicants traverse this objection.

Applicants direct the Examiner's attention to at least paragraph 37 of the Substitute Specification filed December 22, 2005, in which element 6 in FIG. 1 is discussed.

Applicants also direct the Examiner's attention to at least paragraph 49 of the Substitute Specification, in which element N in FIG. 2 is discussed.

For at least these reasons, withdrawal of this objection is requested.

SUMMARY OF EXAMINER INTERVIEW

Applicants appreciate the Examiner's time in conducting an interview with Applicants' Representative on November 23, 2010. A summary of the matters discussed during the interview is set forth below to ensure a complete record.

During the interview, Applicants and the Examiner discussed example embodiments vis-à-vis the cited art.

Applicants and the Examiner also discussed the recitation of "admitting the information provider by the transmission device to the method for transmitting information between information providers and information seekers in dependence on the quality of the test data" as set forth in claim 1. More specifically, Applicants argued that this feature is not disclosed or suggested by the cited art. The Examiner was not persuaded by Applicants' argument.

Also during the interview, Applicants proposed amending claim 1 to recite:

[...] admitting the information provider by the transmission device to the method a system for transmitting information between information providers and information seekers in dependence depending on the quality of the test data, the admission of the information provider to the system for transmitting information between information providers and information seekers enabling the information provider to provide the information to one or more information seekers in response to information enquiry data from the one or more information seekers.

Applicants argued that this feature is not disclosed or suggested by the cited art.

After considering the above-recited amendment, the Examiner proposed also amending claim 1 to include a further feature in which the admitted information provider is matched with one or more information seekers. At the conclusion of the interview, the Examiner agreed that amending claim 1 to include this additional feature should be sufficient to overcome the current art grounds of rejection and possibly move the application toward allowance.

Also during the telephone interview, Applicants and the Examiner briefly discussed the drawing objections set forth in the Second OA. More specifically, Applicants noted that element '6' in FIG. 1 is discussed in at least paragraph 37 of the Substitute Specification and that element 'N' in FIG. 2 is discussed in at least paragraph 49 of the Substitute Specification.

The Examiner also requested that Applicants point out the structure corresponding to the means-plus-function limitations in claims 16-19.

No other pertinent matters were discussed.

MEANS PLUS FUNCTION CLAIMS

At page 10, the Second OA alleges that there does not appear to be support for the means-plus-function limitations set forth in claims 16-19. In response, Applicants provide the following discussion.

With regard to claim 16, the "test interface means" reads on, for example, the provider test interface device 16 shown in FIG. 1; the "evaluation means" reads on, for example, the evaluation module 17 shown in FIG. 1; the "control means" reads on, for example, the control unit 10 shown in FIG. 1; and the "matching means" reads on, for example, the transmission device 2 shown in FIG. 1.

With regard to claim 17, the "enquirer interface means" reads on, for example, the enquirer interface 7 shown in FIG. 1; the "provider interface means" reads on, for example, the provider interface device 8 shown in FIG. 1; the "comparison means" reads on, for example, the data comparison device 5 shown in FIG. 1; and the "control means" reads on, for example, the control unit 10 shown in FIG. 1.

With regard to claims 18 and 19, the "storage means" reads on, for example, the memory 9 shown in FIG. 1.

§ 102 REJECTIONS

Claims 1, 2, 11 and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,960,403 ("Brown"). This rejection is respectfully traversed.

Applicants have amended claim 1 as discussed during the November 23, 2010 Examiner Interview. As mentioned above, at the conclusion of the interview, the

Examiner indicated that these amendments should be sufficient to overcome the current art grounds of rejection. In further support of the patentability of claim 1 Applicants provide the following arguments.

At page 4, the Second OA directs Applicants' attention to lines 4-25 in column 5 of Brown to disclose the "admitting" of claim 1. Applicants disagree.

Brown discloses a method and system for remotely monitoring a patient and for training the patient to comply with a treatment plan for a health condition.

According to the method disclosed by Brown, data relating to the patient's health condition is entered into a patient computing device and transmitted from the patient computing device to a clinician computer via a communication network. The data received at the clinician computer is analyzed to determine an educational need of the patient. An educational program corresponding to the educational need is then selected and a pointer to the selected educational program is embedded in an electronic message sent to the patient. The electronic message is transmitted through the communication network to the patient computing device. The educational program starts on the patient computing device when the patient selects the embedded pointer.

More concisely, a patient enters data (e.g., blood glucose levels) into the patient computing device and this data is transmitted to a clinician computer, which analyzes the data to determine an educational need of the patient. An educational program corresponding to the educational need is then selected and the patient is notified of this educational program.

In the method disclosed by Brown, neither the patient computing device nor the clinician computer of Brown is admitted, by a transmission device, to a system for transmitting information between information providers and information seekers depending on the quality of the test data. Indeed, Brown does not disclose or fairly

suggest that any admission of the patient computing device or clinician computer is conditioned upon *quality* of test data. Therefore, Brown does not disclose or fairly suggest at least "admitting, by the transmission device, the information provider to the system for transmitting information between the information providers and the information seekers *depending on the quality of the test data*" as required by claim 1.

Moreover, Brown does not disclose or fairly suggest at least:

matching one or more information seekers with the information provider in response to information enquiry data from the one or more information seekers; wherein

the admission of the information provider to the system for transmitting information between the information providers and the information seekers enables the information provider to provide information to the one or more information seekers in response to the information enquiry data from the one or more information seekers[,]

as now required by claim 1.

For at least the foregoing reasons, claim 1 is not anticipated by Brown.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

Claim 2 is not anticipated by Brown at least by virtue of its dependency from claim 1. *Id.* Claims 11 and 16 are not anticipated by Brown for at least reasons somewhat similar to those set forth above with regard to claim 1. *Id.*

Withdrawal of this rejection is requested.

§ 103 REJECTION

Claims 3-10, 12-15 and 17-19 stand rejected under 35 U.S.C. §103(a) as unpatentable over Brown in view of WO 02/06990 ("Jacobson"). This rejection is respectfully traversed in that assuming *arguendo* Jacobson could be combined with Brown, which Applicants do not admit, the resultant combination fails to render claims 3-10, 12-15 and 17-19 obvious because Jacobson suffers from at least the

same deficiencies as Brown with respect to claims 1, 11 and 16. More specifically, with regard to claim 1, Jacobson fails to disclose or suggest at least:

admitting, by the transmission device, the information provider to the system for transmitting information between the information providers and the information seekers depending on the quality of the test data; and

matching one or more information seekers with the information provider in response to information enquiry data from the one or more information seekers; wherein

the admission of the information provider to the system for transmitting information between the information providers and the information seekers enables the information provider to provide information to the one or more information seekers in response to the information enquiry data from the one or more information seekers.

Therefore, withdrawal of this rejection is requested.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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